

REMARKS

An Advisory Action was issued in December 21, 2005, wherein the amendments proposed in the Response filed December 2, 2005, were not entered because the Examiner believed that they raised new issues that would require further consideration and/or search. In view thereof, similar amendments are now presented in the subject response, which is being filed contemporaneously with a Request for Continued Examination.

The Examiner also made remarks in the Advisory Action respecting some of the arguments made in the Response dated December 2, 2005. Applicants respond as follows to those remarks. Applicants now appreciate that the Examiner's position is that it would have been obvious to have added a processing aid to the composition described in EP '250, and the Examiner relies on column 4 of Schulze for a list of sundry processing aids. Applicants note that Schulze employs vulcanized liquid conjugated diolefins polymers as plasticizers (column 1, lines 38-40) and optionally "other softeners" (column 4, lines 5-6). The list of "other softeners" is set forth at column 4, lines 45-65.

Applicants respectfully seek reconsideration on several grounds. First, the vulcanized liquid conjugated diolefins polymers taught by Schulze do not qualify as polar organic compounds as now set forth in claim 1. And, EP '250 is directed toward a latex composition, which is distinct from the composition now set forth in independent claim 21 as well as dependent claim 38. Second, without conceding that the "other softeners" set forth in column 4, lines 45-65 qualify as "processing aids" as now defined in the claims, Applicants maintain that there is no teaching or suggestion to add the "other softeners" disclosed by Schulze into the composition of EP '250. While the Examiner recognizes that EP '250, at page 2, lines 35 *et seq.* teach that the non-elastomeric particles become intimately associated with the elastomeric particles, the Examiner's attention is also drawn to page 5, line 25 through page 6, line 24, which sets forth how EP '250 envisages this intimate association:

[a]s indicated previously herein, the principal object of the method of this invention is to sufficiently modify the elastomeric particles so as to prevent their agglomeration and /or compaction upon storage. The amount of nonelastomeric materials relative to the elastomer particles is thus based upon obtainment of this objective. It has been found that the amount of non-elastomeric material which associates itself with elastomeric material upon coagulation of the latex is relatively concentration independent. That is, above

a certain relative concentration, the amount of nonelastomeric material depositing upon the elastomeric particles appears substantially the same. Similarly, the volume of liquid present in the system does not appear to affect the overall efficiency of the method, that is, it does not apparently have any effect upon the amount of the nonelastomeric material which becomes associated with the elastomer particles. Microscopic examination of the product prepared in accord with the method of this invention reveals the significant differences in the physical surface characteristics of the product when compared with the elastomer particles used in its preparation. Apparently, the deposition and/or encapsulation of the elastomer with the nonelastomeric material substantially increases the specific surface area of the elastomer particle thereby improving its ease of dry blending with other common compounding agents (e.g., fillers, pigments, etc.). Significant differences in surface area are also evident depending upon the method of preparation of the elastomer particle. For example, where the elastomer particles are prepared by coagulation, the powder rubber "crumb" has a substantially rougher surface than elastomer particles which are prepared by physically grinding and/or pulverizing. The only other variables which may be of significance in implementing the method of this invention relate to the temperature prevailing during such method.

Besides this teaching, there is no teaching or suggestion to add other materials to the composition of EP '250. In fact, Applicants maintain that one of skill in the art would not be inclined to do so given the explanation/mechanism provided by EP '250 on pages 5-6. In particular, EP '250 specifically states that "the only other variables which may be of significance in implementing the method of this invention relate to the temperature prevailing during such method."

While the Examiner believes the suggestion or motivation to add one or more materials defined by Schulze to the composition of EP '250 stems from a teaching within Schulze that the plasticizer softens the vulcanizable elastomeric material and improves the tack of elastomers, Applicants maintain that this is NOT persuasive. Indeed, Applicants do not understand how the addition of these materials (*i.e.*, those materials that increase tack) would benefit the composition of EP '250 when the goal of EP '250 is to modify the elastomeric particle so as to prevent their agglomeration and/or compaction upon storage. In view of this teaching, the last thing one of skill in the art would be inclined to do is add a substance that increases tack to the composition of EP '250.

In addition to the foregoing, Applicants maintain their position with respect to the arguments presented in the Response of December 2, 2005. Accordingly, those arguments are incorporated herein.

CONCLUSION

In view of the foregoing, a Notice of Allowance of the pending claims is earnestly solicited. Should the Examiner have any questions, the undersigned welcomes a phone call.

Applicants note that they had authorized the Commissioner to charge Deposit Account No. 06-0925 in the amount of \$700.00 in their last response. If this amount was charged, then Applicants specifically authorize the addition amount of \$50.00 to Deposit Account No. 06/0925 for claim 38, which was not presented in the last response. In the event that \$700.00 was not previously charged, then the Commissioner is specifically authorized to charge Deposit Account No. 06-0925 in the amount of \$750.00 for the addition of claim 21-38. In the event that an additional fee is due or that any amount should be credited, the Commissioner is authorized to charge any additions fees or credit any overpayment to Deposit Account No. 06-0925.

Respectfully submitted,



Arthur M. Reginelli, Reg. No. 40,139
Renner, Kenner, Greive, Bobak, Taylor & Weber
Fourth Floor, First National Tower
Akron, Ohio 44308-1456
Telephone: (330) 761-6664

Attorney for Applicants

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